UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

RICHARD VACCARIELLO, :

Plaintiff, : NOTICE OF APPEARANCE

- V -

No. 08 CIV 5336 (CLB)

XM SATELLITE RADIO INC.,

Defendant. :

..... x

To the Clerk of this court and all parties of record:

Please enter my appearance as counsel in this action for defendant XM Satellite Radio, Inc.

I certify that I am admitted to practice in this court.

Dated: June 30, 2008

Kenneth A. Plevan (KP 2551) SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP Four Times Square New York, New York 10036 (212) 735-3000